

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 09-cr-093-02-JL

Annmarie Clement

O R D E R

On August 5, 2013, the defendant appeared for a detention hearing pursuant to Fed. R. Crim. P. 32.1(a)(6). Under Rule 32.1(a)(6), the defendant bears the burden of establishing by clear and convincing evidence that she will not flee and that she poses no danger to any other person or to the community.

Based on the proffers presented at the hearing, and for the reasons more fully stated on the record, the court finds the defendant has failed to meet this burden and that there are no conditions that are likely to assure the safety of the community. In fact, taking a comprehensive review of the entirety of her conduct while on both pre- and post-conviction supervision, the court finds that the defendant is unlikely to abide by any conditions or combination of conditions it may set. Specifically, over the past number of years the defendant has twice been terminated from Hampshire House, most recently testing for morphine within eight (8) days of her entry into the program and testing positive for oxycodone on the day of her release from the

program, and has repeatedly continued her drug use while under supervision. The court will recommend, however, the defendant for entry into the Strafford House of Corrections TC Program.

Accordingly, it is **ORDERED** that the defendant be detained pending a final revocation hearing.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.

/s/ Daniel J. Lynch
Daniel J. Lynch
United States Magistrate Judge

Date: August 5, 2013

cc: Counsel of Record
U.S. Marshal
U.S. Probation